

EJ-130

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): Michele R. Stafford (SBN: 172509) Saltzman & Johnson Law Corporation 44 Montgomery Street, Suite 2110 San Francisco, California 94104 TELEPHONE NO.: (415) 882-7900 FAX NO. (Optional): (415) 882-9287 E-MAIL ADDRESS (Optional): mstafford@sjlawcorp.com ATTORNEY FOR (Name): Operating Engineers Health & Welfare Trust Fund, et al. <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR COURT USE ONLY
UNITED STATES DISTRICT COURT STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94102 BRANCH NAME: Northern District of California	
PLAINTIFF: Operating Engineers Health & Welfare Trust Fund, et al. DEFENDANT: Foster & Sons General Engineering Contractors, Inc.	
WRIT OF <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property	CASE NUMBER: C10-0457 MMC

1. To the Sheriff or Marshal of the County of: United States District Court, Northern District of California

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): Operating Engineers Health & Welfare Trust Fund, et al.

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

Foster & Sons General Engineering
Contractors, Inc.
1559 N. McCall Avenue
Sanger, California 93657

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total judgment \$ 536,912.92

12. Costs after judgment (per filed order or memo CCP 685.090) \$

13. Subtotal (add 11 and 12) \$

14. Credits \$

15. Subtotal (subtract 14 from 13) \$

16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ... \$

17. Fee for issuance of writ \$

18. Total (add 15, 16, and 17) \$ 536,912.92

19. Levying officer:

(a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of. \$ 3.68 from 8/31/10

(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) \$

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

August 30, 2010

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

a. ☒ has not been requested.

b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

Issued on (date): 8/31/10

Clerk, by  , Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

EJ-130

PLAINTIFF: Operating Engineers Health & Welfare Trust Fund, et al.	CASE NUMBER:
DEFENDANT: Foster & Sons General Engineering Contractors, Inc.	C10-0457 MMC

— Items continued from page 1 —

21. ☐ Additional judgment debtor (name and last known address):22. ☐ Notice of sale has been requested by (name and address):23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

a. on (date):

b. name and address of joint debtor:

b. name and address of joint debtor:

c. ☐ additional costs against certain joint debtors (itemize):24. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying Notice of Levy (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al.,

Plaintiffs,

v.

No. CV-10-0457 MMC

FOSTER & SONS GENERAL ENGINEERING
CONTRACTORS, INC.,

JUDGMENT IN A CIVIL CASE

Defendant.

() Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

(X) Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS SO ORDERED AND ADJUDGED

1. Plaintiffs are entitled to delinquent contributions, liquidated damages, and pre-judgment interest in the amount of \$530,557.84.

2. Plaintiffs are entitled to reasonable attorney's fees in the amount of \$5,775.50.

3. Plaintiffs are entitled to costs in the amount of \$579.58.

Accordingly, plaintiffs' motion for default judgment is hereby GRANTED and plaintiffs shall have judgment against Foster & Sons in the amount of \$530,557.84 together with attorney's fees and costs in the amounts of \$5,775.50 and \$579.58, respectively, for a total of \$536,912.92.

Dated: August 30, 2010

Richard W. Wicking, Clerk

Tracy Lucero

By: Tracy Lucero
Deputy Clerk